

Comments of the National Congress of American Indians  
Review of Lifeline and Link-Up Service for All Income  
Consumers  
CC Docket No. 96-45  
December 20, 2001

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**Introduction**

While policymakers, community activists, and private interests examine the best way to close the “Digital Divide” and bring advanced telecommunications services to rural and low-income areas, many American Indians and Alaska Native communities grapple with a “Dial-Tone Divide” reminiscent of Third World nations.

In 1999, two groundbreaking studies found that the basic connectivity of Native American and Alaska Native areas is nowhere near equitable compared to the rest of the United States. An Economic Development Administration survey of 48 tribes found that only 39 percent of the households in these tribal communities had basic telephone service<sup>1</sup>. One month later, the Commerce Department issued similarly astonishing statistics in *Falling Through The Net: Defining the Digital Divide*<sup>2</sup>, which showed that only 76.4 percent of rural Native American households had telephone service, compared to 94.1 percent of all U.S. rural households.

Indian Country is all too familiar with the dire consequences that can arise from the lack of basic telephone service. Earlier this year, as Thomas Torteze returned home from a tribal meeting on the Santa Rosa Reservation in California, he discovered a car accident, one that involved his two daughters, ages 20 and 12. Because there were no phones on the reservation, he could not call for an ambulance. Instead, he was forced to drive his daughters to a fire station nearly ten miles away, where officials called for help. Tragically, it was too late for his 20-year-old daughter, who died as a result of her injuries. The outcome of this and other similar incidents could have been substantially lessened or avoided altogether had residents been able to dial “911.”

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<sup>1</sup> Economic Development Administration, U.S. Department of Commerce, *Assessment of Technology Infrastructures in Native Communities*, June 1999.

<sup>2</sup> National Telecommunications and Information Administration, U.S. Department of Commerce, *Falling Through the Net: Defining the Digital Divide*: July 1999.

It is astonishing that entire communities in the United States are without the basic ability to call for emergency help on a telephone in this age of broadband Internet access. It should not take loss of life or property to drive home the need to work with tribal governments to develop a fully functioning telecommunications infrastructure. Indeed, the federal government should proactively support policies that will help to build a telecommunications system that meets the demands of the 21<sup>st</sup> Century.

In June 2000, the Federal Communications Commission (FCC) took much-needed steps designed to increase telephone connectivity in Indian Country. Through the enhanced Link-Up America (Link-Up) and Lifeline Assistance (Lifeline) programs, tribal consumers could receive the assistance not only to connect, but also to subscribe, to telephone service for an extremely low cost. While the enhanced Link-Up and Lifeline programs certainly are a welcome step toward increasing subscribership on Indian lands, the National Congress of American Indians (NCAI) believes that additional improvements would make the program even more effective.

Specifically, NCAI recommends that the FCC:

- Broaden eligibility requirements for Link-Up and Lifeline on tribal lands
- Enable tribes to develop their own eligibility criteria based on national guidelines
- Adopt additional outreach requirements to ensure that carriers serving Indian lands consult with tribal governments to develop concrete plans to promote Link-Up and Lifeline to tribal members
- Take appropriate remedial action against those carriers that fail to provide adequate outreach to promote Lifeline and Link-Up to Indian Country consumers
- Consider the effect of long distance charges on telephone subscribership in Indian Country

Each of these recommendations is discussed in detail below.

### **Eligibility**

Eligibility for the Link-Up and Lifeline programs for non-reservation residents varies by state. States that provide matching support set their own criteria based on narrowly targeted income-related eligibility criteria. In states that do not provide matching support, consumers may be eligible for Link-Up and Lifeline if they participate in one or more of the following programs: Medicaid, food stamps, Supplemental Security Income, federal public housing assistance, and the Low Income Home Energy Assistance Program.

For Indian Country, broader consumer qualification criteria have been established to include means-tested or income-based programs in which low-income consumers living on reservations are more likely to participate. These programs are: Bureau of Indian Affairs General

Assistance, Temporary Assistance for Needy Families (TANF), Head Start (if income eligible), and the National School Lunch Program.

NCAI supports efforts to broaden the eligibility requirements for Link-Up and Lifeline on tribal lands beyond those consumers who receive service from federal means tested programs, since not all eligible individuals actually participate in these programs.

One approach would be to include an additional eligibility criterion based on 200 percent of poverty as measured annually by the U.S. Census Bureau. Averaging 1998-2000, the poverty rate for American Indians and Alaska Natives was 25.9 percent.<sup>3</sup>

Another approach would be to expand the current list of programs in the list of eligibility criteria to include the following: Early Headstart, First Steps, Vocational Rehabilitation, the Food Distribution Program on Indian Reservations, and Workforce Investment Act programs.

NCAI also encourages the FCC to enable tribes to develop their own eligibility criteria based on national guidelines, consistent with the FCC's policy toward state governments and the FCC's "Statement of Policy on Establishing a Government-to-Government Relationship with Indian Tribes."<sup>4</sup> This policy reaffirms the unique legal relationship that exists between the federal government and tribal governments, as reflected in the Constitution of the United States, treaties, federal statutes, Executive Orders, and numerous court decisions and recognizes the inherent sovereign powers of tribal governments over their members and territory. In part, the Policy states that "the Commission will endeavor to work with Indian Tribes on a government-to-government basis consistent with the principles of Tribal self-governance to ensure, through its regulations and policy initiatives, and consistent with Section 1 of the Communications Act of 1934, that Indian Tribes have adequate access to communications services."<sup>5</sup>

### **Outreach**

FCC rules require eligible telecommunications carriers to publicize the availability of Link-Up and Lifeline support in a manner designed to reach those who are likely to qualify for assistance. According to testimony received at NCAI's Tribal Leader Digital Divide Summit, held May 15, 2001, this requirement is not met uniformly in Indian Country. Several tribal representatives expressed their frustration with their local carriers' failure to promote Lifeline and Link-Up to tribal subscribers. On the other hand, tribal telecommunications companies such as Gila River Telecommunications, Inc., have instituted highly successful publicity programs involving activities such as door-to-door promotion of Link-Up and Lifeline.

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<sup>3</sup> U.S. Census Bureau, *Poverty in the United States*, September 2001

<sup>4</sup> FCC 00-207, *Statement of Policy on Establishing a Government-to-Government Relationship with Indian Tribes*, June 23, 2000

<sup>5</sup> FCC 00-207, page 4.

The Coeur d'Alene Tribe reports to NCAI that its local telecommunications carrier has failed to publicize Lifeline and Link-Up to reservation residents in a meaningful way and, in fact, the Tribe has been forced to educate company officials about these programs. Currently, Tribal members are made aware of Lifeline and Link-Up through flyers posted by the Tribe's Management Information Systems Department.

Clearly, the only way that universal service programs will be successful is through consumer utilization. Therefore, NCAI urges that the FCC adopt additional outreach requirements to ensure that carriers serving Indian lands consult and work with local tribal governments, the FCC, and national Indian organizations to develop concrete plans to promote Link-Up and Lifeline to tribal members. The FCC should bolster this requirement by instituting and taking appropriate remedial action against those carriers that fail to provide adequate outreach to Indian Country consumers.

### **Local Calling Areas**

Finally, NCAI urges the FCC to consider the effect of long distance charges on telephone subscribership in Indian Country. Many reservations contain multiple calling areas, creating a situation in which contacting local governmental offices, businesses, and nearby family members results in extremely high long-distance bills, often totaling more than \$100 per month.

Some tribal telephone companies, such as Gila River Telecommunications, Inc., have attempted to alleviate this situation by eliminating on-reservation long-distance charges for tribal consumers.

The FCC should expand local calling areas to encompass all calls within reservation boundaries and should take action to ensure that all emergency services calls are charged as local calls as well.

### **Conclusion**

Founded in 1944 by tribal leaders throughout Indian Country, NCAI is the oldest, largest, and most representative Native American organization dedicated to public education in the United States. Membership consists of approximately 250 American Indian and Alaska Native governments, representing over 75 percent of the current Native American population.

Since its founding, NCAI has maintained a formal presence in the nation's capitol, serving to inform federal officials of the concerns and issue of its member governments, while also informing public opinion on an array of issues. In the past several years, NCAI has achieved an unprecedented level of visibility and viability as the preeminent organization representing tribal governments on a myriad of complex issues, including telecommunications and information technology.

NCAI appreciates the FCC's efforts to improve telephone subscribership in Indian Country, as well the opportunity to provide comments on how Link-Up and Lifeline can be improved to better meet the goals of the universal service program.